

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YVONNE ORNELAS,

Petitioner,

v.

HUDNALL, Warden

Respondent.

Case No. [17-cv-02956-HSG](#)

ORDER OF TRANSFER

Petitioner, a state prisoner currently incarcerated at Westcare – Custody to Community Transitional Reentry Program in San Diego, California, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. She is challenging her conviction from Kern County Superior Court. Petitioner is currently incarcerated in San Diego County, which lies within the venue of the Southern District of California, and her conviction was obtained in Kern County, which lies within the venue of the Eastern District of California. 28 U.S.C. § 84(b)-(d).

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). However, federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F.Supp. 265, 266 (N.D. Cal. 1968). Because Petitioner’s conviction was obtained in Kern County, which lies within the venue of the Eastern District of California, venue properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b). Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a).


In light of this transfer, the pending motion to proceed *in forma pauperis* and Petitioner’s other pending motions are deferred to the Eastern District.

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The Clerk shall transfer the file herewith.

IT IS SO ORDERED.

Dated: 7/5/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge